

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**UWAIS SYED,**

**CASE NO. 21 CV 6000**

**Plaintiff,**

**v.**

**S&P PHARMACY CORP., SHAZIA  
PHARMACY INC., NATHAN'S  
PHARMACY AND SURGICAL  
SUPPLIES, APNI PHARMACY CORP.,  
WATTO CORPORATION, MEDICINE  
SHOPPE PHARMACY, PERVEZ  
SIDDIQUI, SHAZIA BIBI, and SHAHBAZ  
WATTO,**

**Defendants.**  
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**DECLARATION OF MICHAEL DIGIULIO**

I, Michael DiGiulio, under penalty of perjury, affirm as follows:

1. I am an attorney with Joseph & Kirschenbaum LLP ("JK"), Plaintiff's counsel in this action. I am familiar with the facts and circumstances set forth herein.
2. I submit this declaration in support of Plaintiff's motion, pursuant to Fed. R. Civ. P. 45 and this Court's inherent authority, to authorize service of a third-party subpoena upon Humaira Chaudhry via email, telephone, and certified mail to her last known address.
3. Pursuant to Judge Kuo's Individual Rule VI(A)(2)(a), on June 27, 2023, I emailed Defense counsel, Nadia Pervez, to notify Defendants that Plaintiff intended to file a motion for authorization to serve a subpoena upon Humaira Chaudhry by alternative service on June 29, 2023.

4. On June 27, 2023, Ms. Pervez indicated that Defendants do not object to, but will not join, Plaintiff's motion.
5. Plaintiff Uwais Syed brings this action against Defendants, in part, for unlawful retaliatory termination under the Federal and New York State False Claims Act and the New York Labor Law.
6. As part of their defense in this litigation, Defendants contend that Plaintiff was lawfully terminated because two of Plaintiff's subordinates – Huma Ahmed and Humaira Chaudhry – complained about Plaintiff's inappropriate workplace behavior.
7. Plaintiff denies that he acted inappropriately at work.
8. Both Ms. Ahmed and Ms. Chaudhry are material witnesses whose testimony is essential to this case.
9. On April 24, 2023, Defendants produced Ms. Ahmed for deposition.
10. Defendants have taken the position that they will not produce Ms. Chaudhry for deposition because Ms. Chaudhry no longer works for Defendants.
11. In response to one of Plaintiff's Interrogatories, Defendants provided Plaintiff with the last known address, cell-phone number, and email address in their possession for Ms. Chaudhry.
12. On June 9, 2023, I drafted and signed a subpoena for Ms. Chaudhry to appear at a deposition on June 28, 2023, and to produce certain relevant documents. The subpoena is attached hereto as **Exhibit 1** (the "Subpoena").
13. On June 9, 2023, my office sent the Subpoena to a third-party process server retained by JK to serve the Subpoena on Ms. Chaudhry.

14. Between June 9, 2023, and June 21, 2023, the process server made at least eight attempts to serve the Subpoena on Ms. Chaudhry personally. An email confirming the date, time, and location of each attempt at serving is attached hereto as **Exhibit 2**. Due to privacy concerns, I have redacted the location and identity of Ms. Chaudhry's place of work.
15. On June 9, 2023 at 5:24pm, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
16. On June 12, 2023 at 2:00pm, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
17. On June 12, 2023 at 4:00pm, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
18. On June 13, 2023 at 1:45pm-2:40pm, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
19. On June 15, 2023 at 12:20pm, the process server attempted to server Ms. Chaudhry at her place of work
20. On June 18, 2023 at 3:00-4:25pm, the process server attempted to server Ms. Chaudhry at her place of work.
21. On June 18, 2023 at 5:10pm, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
22. On June 21, 2023 at 7:15am-10:30am, the process server attempted to serve Ms. Chaudhry at her home in Brooklyn.
23. Despite these attempts, the process server was unable to serve the Subpoena on Ms. Chaudhry.

24. As set forth above, Plaintiff has diligently attempted to serve Ms. Chaudhry at both her home and her work.

25. Ms. Chaudhry's current whereabouts are unknown and authorizing alternative service via email, telephone, and certified mail to her last known address is warranted.

26. Plaintiff now seeks authorization from the Court to serve an amended subpoena on Ms. Chaudhry via email, telephone, and certified mail to her last known address. Attached hereto as **Exhibit 3** is the amended subpoena Plaintiff intends to serve on Ms. Chaudhry via alternative service.

Dated: New York, New York  
June 29, 2023

/s/ Michael DiGiulio  
Michael DiGiulio